

**Summit Hill® Flavors**

253 LACKLAND DRIVE MIDDLESEX, NJ 08846
732-805-0335 (PHONE) 732-805-1994 (FAX)

August 9, 2005

Arthur Neal
Director, Program Administration
National Organic Program
USDA-AMS-TMO-NOP
1400 Independence Ave., SW. Room 4008
So., Ag Stop 0268
Washington, DC 20250

Email: NationalList@usda.gov

Fax: (202) 205-7808

Subject: 7 CFR 205.605(a) - **Flavors, non-synthetic**

Dear Mr. Neal and National Organic Standards Board:

I am respectfully submitting this letter in reference to the National Organic Program, Sunset Review, Docket number TM-04-07. I would like to comment on the use of flavors in organic products currently under review under the provisions of the Organic Food Production Act of 1990.

In the USA, flavors are regulated by the FDA, whereas the NOP is under the jurisdiction of the USDA. Over the years, I have had a longstanding relationship with both agencies and know from my time in working with the Proprietary Mix Committee of the USDA, that both agencies cooperate as far as flavors are concerned. In principle, the USDA follows the rules as set forth under Title 21 CFR 101.22.

Flavors (like colors and spices) are a category that is defined by materials and processes and their intended use, as specified under 21 CFR. Excluding flavors as a category from the NOP will lead to confusion and could result as misbranding. Organic certified products are required by law to follow all labeling requirements as defined by FDA/USDA regulations. For example, a flavoring ingredient derived from organic certified basil by physical means has to be labeled as either "organic basil flavor", "basil flavor", "natural organic basil flavor" or "natural flavor".

Since 1999, Summit Hill Flavors, Inc. has pioneered the development and manufacture of organic certified flavors with the defining raw material being of organic certified agricultural origin.

I believe the restriction of 7 CFR 205.605 (a) (9), defining Flavor as "*nonsynthetic sources only and must not be produced using synthetic solvents and carrier systems or any artificial preservative*" to be a positive and necessary improvement from a regulatory point of view. Unlike Europe, this regulation excludes nature-identical flavoring from use in both organic and made with organic certified food products.

I respectfully request that flavors continue to be included in 205.605 (a).

Once the Sunset review process is completed, should flavors need additional defining, I would like to propose the following addition and additional clarification for the term "Flavors, non-synthetic":

Flavors, non-synthetic should also have to meet the following criteria:

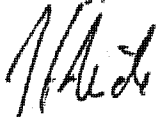
- (a) they have to meet the term *natural flavor* or *natural flavoring* in Title 21 of the Code of Federal Regulations of the United States Government under Section 101.22(a)(3).
and
- (b) all ingredients used in non-synthetic flavors have to be listed in column 1 and / or column 2 of the FDA/FEMA GRAS list.
- (b)(1) column 1 gives the reference number assigned to the substance in one of the following FEMA GRAS lists: 1965 to 2005.
- (b)(2) column 2 refers to the section in Title 21 of the Code of Federal Regulations of the United States Government where the substance is listed for use in flavors.
- (c) Hydrolyzed Vegetable Proteins should be excluded (they contain high amounts of MSG)
- (d) Any **non-flavor ingredients**, such as the natural flavor enhancers MSG, I+G, etc. should be excluded, unless they are derived by fermentation of organic certified agricultural products.

Through my experience in agriculture, the food processing industry and the flavor ingredient industry, I believe that the consumer has the "right to know" and the right to purchase properly labeled processed food products. Also, the consumer has the right to choose between products containing "flavors" or organic certified flavors.

Today's consumer demands the highest quality organic certified foods and we in the flavor industry have worked diligently over the years to be an integral part of the organic supply chain.

Please let me know if you have any further questions.

Sincerely,



Dr. Jurgen Scheide
President



Summit Hill® Flavors

253 LACKLAND DRIVE MIDDLESEX, NJ 08846
732-805-0335 (PHONE) 732-805-1994 (FAX)

August 11, 2005

Arthur Neal
Director, Program Administration
National Organic Program
USDA-AMS-TMO-NOP
1400 Independence Ave., SW. Room 4008
So., Ag Stop 0268
Washington, DC 20250

Email: National.List@usda.gov

Fax: (202) 205-7808

Dear Mr. Neal and National Organic Standards Board:

This letter is in reference to the National Organic Program, Sunset Review, Docket number TM-04-07.
Summit Hill Flavors, Inc. supports the continued allowance of the following substance(s):

Name of Substance	Location on National List 205.605(a), 205.605(b), 205.606	Reason for continued allowance.	Supporting Documents (List any research/ documentation supporting the necessity of using this material or the lack of OG alternatives to this material. Leave blank if you have none.
Acid (Alginic; Citric - produced by microbial fermentation of carbohydrate substances; and Lactic).	205.605 (a)	Used as an acidulant. Widely used in processed foods, not available organic.	
Enzymes - must be derived from edible, nontoxic plants, nonpathogenic fungi, or nonpathogenic bacteria.	205.605 (a)	A non-invasive ingredient, necessary for fermentation in food product. Usually inactivated in finished food products.	
Flavor, nonsynthetic sources only and must not be produced using synthetic solvents and carrier systems or any artificial preservative.	205.605 (a)	Available certified organic. Processed foods are not going to meet consumer taste expectations without flavoring ingredients.	Regulated in 21 CFR 101.22 (a) (3). Excluded methods necessitate continued listing in the NOP.

Yeast - nonsynthetic, growth on petrochemical substrate and sulfite waste liquor is prohibited (Autolysate; Bakers; Brewers; Nutritional; and Smoked - nonsynthetic smoke flavoring process must be documented).	205.605 (a)	Available certified organic. A proteinacious food ingredient, fundamental to many savory application.	
Ascorbic acid	205.605 (b)	Used as an acidulant.	Vitamin C is a necessary nutrient. Available by fermentation. Should be reclassified to 205.605 (a)
Carbon dioxide	205.605 (b)	Used as a solvent in extraction processes. Needed especially for organic rosemary derived antioxidants.	Present in the atmosphere. Should be reclassified to 205.605(a). Oxygen and Nitrogen are considered nonsynthetics.
Glycerin - produced by hydrolysis of fats and oils	205.605 (b)	Used as a carrier in flavor systems.	A building block of fat. Should be reclassified to 205.605 (a)
Hydrogen peroxide	205.605 (b)	For sanitation of equipment and in a wide range of packaging.	Plays an important part in food safety.
Sodium hydroxide	205.605 (b)	For sanitation, for Ph control.	
Tocopherols - derived from vegetable oil when rosemary extracts are not a suitable alternative.	205.605 (b)	An antioxidant, will be needed if carbon dioxide is eliminated from the NOP.	Inhibits rancidity, increases food safety.
Xanthan gum	205.605 (b)	Used as a thickening agent.	Available from fermentation. Should be reclassified to 205.506 (a)
Gums (water extracted-arabic, guar, locust bean, carob bean)	205.606	Available certified organic. Used as a carrier in spray drying, as an emulsifier in beverages.	Should be reclassified as agricultural products or to 205.506 (a)
Kelp - for use only as a thickener and dietary supplement.	205.606	Available certified organic. Used as a flavor in Asian cuisine.	

Sincerely,

Robert Taras

Robert Taras

Director of Quality Systems